

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

and

NATURAL RESOURCES DEFENSE
COUNCIL, INC. AND SIERRA CLUB,

Intervenor-Plaintiffs,

v.

DTE ENERGY COMPANY AND
DETROIT EDISON COMPANY,

Defendants.

Civil Action No.
2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven Whalen

DEFENDANTS' MOTION FOR LEAVE TO FILE EXHIBIT UNDER SEAL

Pursuant to Local Rule 5.3(b), Paragraph 11 of the Court's Stipulated Protective Order Regarding Confidential Information and Documents (Doc. No. 39) and R18 of the Electronic Filing Policies and Procedures of this Court, Defendants DTE Energy Company and Detroit Edison Company (collectively, "Detroit Edison") respectfully move for leave to file the exhibit identified below, in support of their Brief in Opposition to Plaintiff's Motion for Partial Summary Judgment (Doc. No. 127), under seal.

Detroit Edison seeks to have Exhibit 4 (Supplemental Expert Report of J. Golden (June 3, 2011) (excerpt)) filed under seal because Detroit Edison considers information contained within the document as confidential under the terms of the Court's Stipulated Protective Order Regarding Confidential Information and Documents (Doc. No. 39). Plaintiff consents to the

relief sought in the Motion.¹ At the time this Motion was filed, Intervenor-Plaintiffs had not provided their position on it.

For the foregoing reasons, the undersigned respectfully requests that this Court grant Detroit Edison leave to file Exhibit 4 (Supplemental Expert Report of J. Golden (June 3, 2011) (excerpt)) in support of its Brief in Opposition to Plaintiff's Motion for Partial Summary Judgment under seal. Respectfully submitted, this 1st day of August, 2011.

By: /s/ F. William Brownell

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¹ By consenting to the relief sought in the motion, Plaintiff did not agree that the material is in fact appropriately considered confidential.

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2011, the foregoing **DEFENDANTS' MOTION FOR LEAVE TO FILE EXHIBIT UNDER SEAL** was served electronically only on the following attorneys of record in accordance with an agreement reached among the parties:

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